

Notice of Allowability

Application No.

10/042,414

Examiner

Kambiz Abdi

Applicant(s)

CALDERARO ET AL.

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to May 22, 2006.
2. ☒ The allowed claim(s) is/are 1-2, 5, 8-9, 12, 14-15 and 18 (renumbered as 1-9).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date See Continuation Sheet
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Continuation of Attachment(s) 3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date: 7/13/06, 1/8/07, 3/18/07.

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DETAILED ACTION

1. This action is in response to the response filed on May 22, 2006.
 - Claims 1, 2, 5, 8, 9, 12, 14, 15, and 18 are amended.
 - Claims 3, 4, 6, 7, 10, 11, 13, 16, 17 19, and 20 are canceled.
 - Claims 1, 2, 5, 8, 9, 12, 14, 15, and 18 have been allowed.

Examiner's Amendment

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
3. Authorization for this examiner's amendment was given in an interview with attorney Laslie A. Van Leeuwen conducted in person on June 4, 2007.
4. The examiner under agreement by the attorney representing the applicant has amended claims 1, 2, 5, 8, 9, 12, 14, 15, and 18. Also canceling claims 4, 6, 11, 13, 17, and 19.

The claims in the application has been amended as follow:

1. (Currently Amended) A method of tracking surplus reduction actions, said method comprising:
 - receiving a surplus reduction action from a user, wherein the user is an employee and wherein the surplus reduction action includes a surplus acknowledgment;
 - identifying a user identifier corresponding to the user;
 - storing the user identifier and data corresponding to the surplus reduction action in a nonvolatile storage area; [[and]]
 - providing benefits data to the employee in response to receiving the employee's surplus acknowledgement[.];
 - sending the employee a non-compete agreement;
 - receiving a digital signature from the employee corresponding to the non-compete agreement;
 - storing the employee's digital signature in the nonvolatile storage area;
 - selecting a group of identified surplus employees;
 - analyzing digital signatures received from one or more of the identified surplus employees;

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determining based on the analysis which of the identified surplus employees have not provided digital signatures in response to non-compete agreements; and
sending a reminder notification to the determined group of surplus employees.

2. (Currently Amended) The method as described in claim 1 further comprising:

~~receiving a digital signature from the user;~~
authenticating the digital signature received from the employee. [[; and]]
~~storing the digital signature in the nonvolatile storage area.~~

3. (Canceled)

4. (Canceled)

5. (Currently Amended) The method as described in claim [[4]] 1 further comprising:

identifying one or more surplus employees that have confidential knowledge of an organization;
and
writing a non-compete indicator to a non-compete data storage area corresponding to the identified surplus employees, wherein the non-compete agreement is sent to surplus employees in response to the identification.

6. (Canceled)

7. (Canceled)

8. (Currently Amended) An information handling system comprising:

one or more processors;
a memory accessible by the processors;
a nonvolatile storage area accessible by the processors;
a tracking tool for tracking surplus reduction actions, the tracking tool including comprising software instructions stored in the memory, which, when executed by the processor, cause the information handling system to perform a method comprising:

~~means for~~ receiving a surplus reduction action from a user, wherein the user is an employee and wherein the surplus reduction action includes a surplus acknowledgment;
~~means for~~ identifying a user identifier corresponding to the user;
~~means for~~ storing the user identifier and data corresponding to the surplus reduction action in the nonvolatile storage area; [[and]]
~~means for~~ providing benefits data to the employee in response to receiving the employee's surplus acknowledgement[[.]];

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sending the employee a non-compete agreement;
receiving a digital signature from the employee corresponding to the non-compete agreement;
storing the employee's digital signature in the nonvolatile storage area;
selecting a group of identified surplus employees;
analyzing digital signatures received from one or more of the identified surplus employees;
determining based on the analysis which of the identified surplus employees have not provided digital signatures in response to non-compete agreements; and
sending a reminder notification to the determined group of surplus employees.

9. (Currently Amended) The information handling system as described in claim 8 ~~further comprising~~ wherein the method further comprises:

~~means for receiving a digital signature from the user;~~
~~means for authenticating the digital signature received from the employee. [[; and]]~~
~~means for storing the digital signature in the nonvolatile storage area.~~

10. (Canceled)

11. (Canceled)

12. (Currently Amended) The information handling system as described in claim 11 ~~further comprising~~ 8 wherein the method further comprises:

~~means for identifying one or more surplus employees that have confidential knowledge of an organization; and~~
~~means for writing a non-compete indicator to a non-compete data storage area corresponding to the identified surplus employees, wherein the non-compete agreement is sent to surplus employees in response to the identification.~~

13. (Canceled)

14. (Currently Amended) A computer program product stored in a computer ~~storage operable media, the~~ computer storage media containing instructions for execution by a computer, which, when executed by the computer, cause the computer to perform a method for tracking surplus reduction actions, said ~~computer program product~~ method comprising:

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~~means for~~ receiving a surplus reduction action from a user, wherein the user is an employee and wherein the surplus reduction action includes a surplus acknowledgment;
~~means for~~ identifying a user identifier corresponding to the user;
~~means for~~ storing the user identifier and data corresponding to the surplus reduction action in the nonvolatile storage area; [[and]]
~~means for~~ providing benefits data to the employee in response to receiving the employee's surplus acknowledgement[[.]];
sending the employee a non-compete agreement;
receiving a digital signature from the employee corresponding to the non-compete agreement;
storing the employee's digital signature in the nonvolatile storage area;
selecting a group of identified surplus employees;
analyzing digital signatures received from one or more of the identified surplus employees;
determining based on the analysis which of the identified surplus employees have not provided digital signatures in response to non-compete agreements; and
sending a reminder notification to the determined group of surplus employees.

15. (Currently Amended) The computer program product as described in claim 14 ~~further comprising~~ wherein the method further comprises:

~~means for~~ receiving a digital signature from the user;
~~means for~~ authenticating the digital signature received from the employee.[[; and]]
~~means for~~ storing the digital signature in the nonvolatile storage area.

16. (Canceled)

17. (Canceled)

18. (Currently Amended) The computer program product as described in claim 17 ~~further comprising~~ 14 wherein the method further comprises:

~~means for~~ identifying one or more surplus employees that have confidential knowledge of an organization; and
~~means for~~ writing a non-compete indicator to a non-compete data storage area corresponding to the identified surplus employees, wherein the non-compete agreement is sent to surplus employees in response to the identification.

19. (Canceled)

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20. (Canceled)

Allowable Subject Matter

5. Claims 1, 2, 5, 8, 9, 12, 14, 15, and 18 are allowed over the prior art of record.

6. The following is an examiner's statement of reason for allowance:

7. The closest prior art of record is U.S Patent Publication No. 2003/0177361 to Wheeler et al.

Wheeler teaches method and system for digitally signing an electronic contract document. An electronic communication contains an identifier, a message, which includes the document, and a digital signature generated with a private key of an asymmetric key pair (247). The identifier may be used to retrieve a corresponding public key (287) and account information pertaining to the sender of the message. The public key may be used to authenticate the sender and the message.

8. The closest prior art, Wheeler taken individually or in combination with other arts in the record fail to teach or fairly suggest the system or method of the claimed invention as to cause a surplus reduction action based on;

“receiving a digital signature from the employee corresponding to the non-compete agreement;
storing the employee's digital signature in the nonvolatile storage area;
selecting a group of identified surplus employees;
analyzing digital signatures received from one or more of the identified surplus employees;
determining based on the analysis which of the identified surplus employees have not provided digital signatures in response to non-compete agreements...”

9. Yet even if the claimed inventive steps as described above were found in a reasonable number of references, a person of ordinary skill in the art at the time the invention was made would *not* have been motivated to include these missing elements in an embodiment in the Wheeler disclosure.

10. In regards to independent claims 1, 8 and 14, the closest prior arts of record when taken either individually or in combination with other prior arts of record fail to teach or fairly suggest the above steps and limitations.

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11. Claims 2, 5, 9, 12, 14, and 15 are dependent upon independent claims 1, 8 and 14, thus they all have the limitations of independent claims 1, 8 and 14. Therefore, they are allowable for that same reason stated above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kambiz Abdi whose telephone number is (571) 272-6702. The examiner can normally be reached on 10 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fischer Andrew can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Kambiz Abdi

Primary Examiner

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June 5, 2007